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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**TAUNYA MILLER,**

Case No.: 2:17-cv-00670-SU

Plaintiff,

v.

**NOTICE OF DEFENDANT'S  
CONCESSION OF LIABILITY**

**THOMAS J. VILSACK,  
SECRETARY, U.S.  
DEPARTMENT OF  
AGRICULTURE,**

Defendant.

Defendant Thomas J. Vilsack, Secretary, U.S. Department of Agriculture (“USDA”), in the interest of efficiency and judicial economy, hereby concedes liability on Plaintiff’s remaining claim for relief in this action. Plaintiff’s claim is brought under the Equal Credit Opportunity Act (“ECOA”), 15 U.S.C. § 1691(a), regarding the denial of her 2014 application for a \$35,000 microloan.

Specifically, Defendant concedes that the Farm Service Agency (“FSA”) inappropriately obtained and used a joint credit report regarding Plaintiff’s and her husband’s financial information as part of FSA’s consideration of Plaintiff’s microloan application. FSA’s consideration of Plaintiff’s husband’s credit history in denying Plaintiff’s microloan application constitutes discrimination under the ECOA.

This Concession of Liability is not intended nor should be construed as a waiver of any of Defendant’s rights, defenses, or arguments regarding damages.

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Dated this 16<sup>th</sup> day of December, 2021.

Respectfully submitted,

SCOTT ERIK ASPHAUG  
Acting United States Attorney  
District of Oregon

/s/ Tim Simmons  
TIM SIMMONS  
Assistant U.S. Attorney

SEAN E. MARTIN  
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